

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CLARENCE W. BILBREW,	§	
	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO. H-04-2075
	§	
PATRICIA CORONA, <i>et al.</i> ,	§	
	§	
Defendants.	§	

**MEMORANDUM AND ORDER**

Defendants Patricia Corona and M. Edison previously filed a Motion for Summary Judgment (Docket Entry No. 32). This Court found that these Defendants had shown the absence of a genuine issue of material fact on Plaintiff's pending claims and that they were entitled to qualified immunity. Plaintiff's summary judgment response did not overcome those showings. The record in this case also showed the absence of a genuine issue of material fact on Plaintiff's claims against Defendants Gary Johnson and Brenda Chaney. Although Plaintiff had responded to the summary judgment motion, in an abundance of caution this Court gave him another chance to respond.

Plaintiff has not filed a further summary judgment response. The time limit for

any further summary judgment response by Plaintiff has elapsed. This action is ripe for a summary judgment under Rule 56.

Accordingly, Defendants' Motion for Summary Judgment (Docket Entry No. 32) is GRANTED for the reasons stated in this Court's Memorandum and Order signed on June 27, 2005. The other Defendants are also entitled to summary judgment on Plaintiff's claims because the summary judgment record shows no retaliation by anyone and no personal involvement by either Chaney or Johnson. *See NL Industries, Inc. v. GHR Energy Corp.*, 940 F.2d 957, 965 (5th Cir. 1991) ("Rule 56(c) . . . permits a court to grant summary judgment in favor of a party that did not request it.") (citations omitted). Plaintiff's pending claims against all Defendants are DISMISSED with prejudice under FED.R.CIV.P. 56(c). All other pending motions and requests for relief are DENIED as moot.

SIGNED at Houston, Texas, on this 18<sup>th</sup> day of July, 2005.



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DAVID HITTNER

United States District Judge

